



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

December 24, 2009

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: 
William T Fujioka
Chief Executive Officer

Board of Supervisors
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Second District

ZEV YAROSLAVSKY
Third District

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Fourth District

MICHAEL D. ANTONOVICH
Fifth District

BACKGROUND INVESTIGATIONS CURRENT PRACTICES, POLICIES AND CONTRACT REQUIREMENTS

On December 8, 2009, on a motion by Supervisor Antonovich, your Board directed the Chief Executive Officer and the Department of Human Resources (DHR) to:

1. Provide a report to the Board on the County's current practices, policies and contract requirements relating to background investigations. This report should include all temporary agencies providing temporary staff under contract with the County and the departments receiving such staff. Background investigation activities covered in the report should include criminal, professional and credentialing.
2. This report should be provided to the Board in two weeks.

Current Background Check Practices and Policies

In Resolutions dated November 10, 1998 and August 4, 2009, your Board authorized the Director and Acting Director of Personnel, respectively, and each appointing authority of the County to access summary criminal history information for employment purposes. Further, Chief Executive Office (CEO) and DHR policy requires this information be obtained for new hires, employees who transfer or are promoted, volunteers, and contract personnel in sensitive positions. This is typically done by electronic fingerprint submission to the Department of Justice's (DOJ) Live Scan system. The response from DOJ is also electronic and includes information concerning the criminal history, if any, of the individual fingerprinted. Any documented criminal history is then analyzed to determine job nexus and employment suitability, and where appropriate, administrative action is taken.

A countywide review of background check practices conducted earlier this year ensured departments are now complying with these provisions. However, it was also determined that further guidance was needed regarding the type of contractors subject to the background check requirements, which would be explored in a feasibility study that is discussed later in this report.

"To Enrich Lives Through Effective And Caring Service"

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Currently, the Internal Services Department (ISD) Contract Compliance Section provides departments with standard background and security contract language to be included in contract vendor agreements. The County's standard contract language informs contractors that the County may require all contract staff to pass a background investigation as a condition of beginning and continuing to work pursuant to a master agreement. The County may use its discretion in determining the method of background clearance to be used, up to and including, a County performed fingerprint security clearance. Hence, the current contract language gives the County and its departments the discretion to determine the method of background clearance to be used.

The Internal Services Department manages several master agreements that are utilized by departments countywide. Under these agreements, the Contract Compliance Section performs fingerprint and background checks on ISD-supervised Work Orders. The Sheriff's Department and the Department of Health Services (DHS) perform their own background check and fingerprinting for Work Orders they supervise. All other departments use their discretion in conducting the background checks themselves or having checks conducted by the contract agency. In either case, the personnel are subject to County departmental hiring standards. This also applies to individual agreements for specialized services.

Verification of Professional Experience, Licensure and Credentials

There are no County policies on verification of professional experience, licensure or specialized credentials. However, if licensure or certification is a requirement of the position, this requirement is reflected on the job announcement, which also indicates that it is subject to verification. The verification may take place as part of the examination process or at the time of hire/promotion. The need for additional or ongoing confirmation of meeting the requirements is based on departmental policy or practice. For example, at DHS the credentialing process requires the assessment and verification of the qualifications of a licensed independent practitioner (physicians, dentists, etc.) or mid-level practitioner (nurse anesthetists, nurse-midwives, physician assistants, etc.). The assessment and verification process includes an evaluation of the current license, education, training, experience, competence, and professional judgment of the individual. For all other non-County workforce, the area and Human Resources staff of DHS ensure that the required licenses, certifications, registration and/or permits are valid.

Feasibility Study General Recommendations

On August 4, 2009, in addition to approving the Resolution on criminal background checks, your Board ordered that a feasibility study be conducted to consider expanding the criminal background checks to include federal-level information for existing and future employees and volunteers. Further, this study was to determine the types of contractors that should be subject to the criminal background check. To this end, a steering committee was formed comprised of members of several key departments, such as the CEO including the Employee Relations Division, DHR, County Counsel, and the Office of Affirmative Action Compliance. The preliminary recommendations from the steering committee are:

1. Expand criminal background checks to include federal level review for all employees, volunteers and contractors; implement on a phased basis, beginning with employees in positions with direct care and oversight for others.
2. Require all employees and volunteers to self-disclose (1) any arrests and convictions that occur while employed, within 72 hours of the arrest and/or conviction, and (2) self-disclose all criminal convictions at the time of hire and on an annual basis thereafter.
3. At the discretion of the appointing power, exempt *minor* volunteers over the age of 14 who work under constant supervision of a permanent County employee and *all* volunteers who work less than three days for each event or period of service.
4. Establish a central unit for fingerprinting department heads, chief deputies, administrative deputies, and departmental human resources managers in order to ensure job suitability determinations for these individuals are conducted external to their organization.
5. Develop standard language to be included in all future contracts that requires designated contract personnel in sensitive positions to be subject to the State, local, and federal criminal background check. Sensitive positions are those involving the direct care or oversight of persons, funds or negotiable instruments, narcotics, public or private property, or which involve public safety or require State and/or professional licenses.
6. Authorize the Acting Director of Personnel to evaluate and resolve all requests for exemption from Live Scan and approve if good cause exists (e.g., immediate hiring of disaster service workers during declared emergencies).

A complete list of the recommendations of the feasibility study steering committee and the underlying findings of the subcommittees created to review the current policies and practices concerning criminal background investigations for employees, volunteers and contractors are forthcoming.

Background Reviews for Contract Personnel

To facilitate the accuracy and completion of the feasibility study, DHR formed a subcommittee to specifically address issues unique to contract personnel. This subcommittee is led by ISD and includes representatives from several line departments. In the course of its mission, the subcommittee conducted a survey of all County departments to obtain information on the number of contract personnel countywide and the method of background clearances utilized by departments. The preliminary reports from line departments indicate that there are thousands of contracts with contract personnel serving in sensitive positions. The results of the survey are being compiled and analyzed, after which additional recommendations will be presented to your

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Board for consideration. These recommendations, and the comprehensive report and final findings and recommendations from the feasibility study, are expected to be submitted within 30 days.

If you have any questions or require additional information, please contact me or your staff may contact Ellen Sandt, Deputy Chief Executive Officer at (213) 974-1186 or Lisa Garrett, Acting Director of Personnel at (213) 974-2406.

WTF:ES
LMG:SKT:cg

c: Sheriff
Office of Affirmative Action Compliance
Executive Officer, Board of Supervisors
County Counsel
Department of Health Services
Department of Human Resources
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